

# EXHIBIT D

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF QUEENS

Index No.

-----X  
STATE FARM FIRE & CASUALTY COMPANY  
as Subrogee of JULIE YANG,

**COMPLAINT**

Plaintiff(s),

-against-

ACER RESTORATION LLC and  
IVAN ORTIZ,

Defendant(s)  
-----X

-----X  
Plaintiff(s), by its attorneys, NICOLINI, PARADISE, FERRETTI & SABELLA, PLLC, \_\_\_\_\_

complaining of the defendant(s), alleges as follows:

1. At all times herein stated and hereinafter mentioned, the plaintiff was and still is an insurance company duly licensed by the New York State Department of Insurance.

2. Upon information and belief, that during the time heretofore and at all times hereinafter mentioned the defendant, ACER RESTORATION LLC, was and still is a domestic corporation; limited liability company of the State of New York; and/or foreign corporation authorized to transact business in this State.

3. Upon information and belief, that during the time heretofore and at all times hereinafter mentioned the defendant, IVAN ORTIZ, was and still is a resident of the State of New York.

4. The plaintiff is a Subrogee of Julie Yang, residing at 1 Central Park W., Apt. 48C, New York, New York 10023 ("the subject premises").

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST ACER RESTORATION LLC**

5. The plaintiff repeats and reiterates each and every allegation contained in paragraphs

EC S20190520 1900 2090 005 10:00

"1" through "4" inclusive, with the same force and effect as is hereinafter set forth at length.

6. Upon information and belief prior to March 7, 2017, the defendant, ACER RESTORATION LLC, its agent(s), servant(s), contractor(s), and/or employee(s), undertook to demolish, renovate, construct, install, maintain, repair, replace, refinish, and/or service the flooring inside Apartment 47D at 1 Central Park W., New York, New York 10023; the residence of Ivan Ortiz.

7. That on or about March 7, 2017, due to carelessness and negligence of the defendant, ACER RESTORATION LLC, its agent(s), servant(s), contractor(s), and/or employee(s), in failing to properly dispose of rags containing floor stain, polyurethane, and sawdust, by leaving them in bag(s) which ultimately caught fire and caused fire, smoke and water related damages to State Farm's subrogor's premises in the amount of \$22,489.07.

8. That prior to March 7, 2017, plaintiff issued an insurance policy to the subrogor pursuant to which plaintiff insured its subrogor for the damages being claimed herein.

9. That subsequent to March 7, 2017, plaintiff's subrogor made a claim to plaintiff under the policy for damages sustained as a result of the March 7, 2017 incident and payments were issued to or on her behalf in the sum of \$22,489.07.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT IVAN ORTIZ**

10. The plaintiff repeats and reiterates each and every allegation contained in paragraphs "1" through "9" inclusive, with the same force and effect as is hereinafter set forth at length.

11. Upon information and belief, the defendant, IVAN ORTIZ, was and still is the owner and/or occupant of the property located at 1 Central Park W., Apt. 47D, New York, New York 10023, which is located below the plaintiff's subrogor's premises.

12. Upon information and belief prior to March 7, 2017, the defendant, IVAN ORTIZ, his agent(s), servant(s), contractor(s), and/or employee(s), undertook to demolish, renovate, construct, install, maintain, repair, replace, refinish, and/or service the flooring inside Apartment 47D at 1 Central Park W., New York, New York 10023.

EC S20190520 1900 2090 006 10:00

13. That on or about March 7, 2017, due to carelessness and negligence of the defendant, IVAN ORTIZ, his agent(s), servant(s), contractor(s), employee(s), occupant(s), invitee(s) and/or guest(s), in failing to properly dispose of rags containing floor stain, polyurethane, and sawdust, by leaving them in bag(s) which ultimately caught fire and caused fire, smoke and water related damages to State Farm's subrogor's premises in the amount of \$22,489.07.

14. That prior to March 7, 2017, plaintiff issued an insurance policy to the subrogor pursuant to which plaintiff insured its subrogor for the damages being claimed herein.

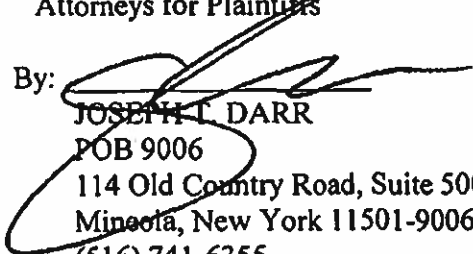
15. That subsequent to March 7, 2017, plaintiff's subrogor made a claim to plaintiff under the policy for damages sustained as a result of the March 7, 2017 incident and payments were issued to or on her behalf in the sum of \$22,289.07.

**WHEREFORE**, plaintiff demands judgment against the defendant(s) for the sum of \$22,489.07 together with interest from March 7, 2017, along with costs and disbursements of this action.

Dated: Mineola, New York  
May 13, 2019

Yours, etc.  
NICOLINI, PARADISE, FERRETTI & SABELLA  
Attorneys for Plaintiffs

By:

  
JOSEPH T. DARR  
POB 9006  
114 Old Country Road, Suite 500  
Mineola, New York 11501-9006  
(516) 741-6355  
Our File No.: C19-0002LM

**PLEASE FORWARD THESE DOCUMENTS TO YOUR INSURANCE CARRIER**

ECS20190520\_1900 2090 007 10:00